

Committee on Resources

Subcommittee on Energy & Mineral Resources

Statement

Statement of
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before the
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES,
SUBCOMMITTEE ON ENERGY & MINERAL RESOURCES
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concerning
H.R.2753, THE ABANDONED MINE RESTORATION ACT OF 1999

Good morning, ladies and gentlemen, Madam chairman and members of the Subcommittee on Energy and Mineral Resources of the U.S. House of Representatives Committee on Resources.

My name is Alan Coyner and I am the administrator of the Division of Minerals for the State of Nevada. The mission of the Division is to conduct activities to further the responsible development and production of the state's mineral resources to benefit and promote the welfare of the people of Nevada. The Division reports directly to the Governor and the Legislature through the Commission on Mineral Resources. The Division focuses its efforts in three main areas: industry relations and public affairs; regulation of oil, gas, and geothermal drilling activities and well operations; and abandoned mine lands.

Thank you for providing me the opportunity to appear before you today in support of H.R.2753, the "Abandoned Mine Restoration Act of 1999" sponsored by Congressman Jim Gibbons of Nevada. This act would establish an important new program and authorize the Secretary of the Army to assist Federal and State agencies to address the serious environmental and water quality problems caused by drainage and related impacts from abandoned and inactive hardrock (non-coal) mines in Nevada and throughout the western United States.

What is the problem?

The geology which underlies the western United States is highly permissive for the occurrence of hardrock minerals such as gold, silver, copper, lead, zinc, and many others. For over 150 years the mines and mills of the West have provided minerals and economic wealth to this nation.

In contrast to today's high-tech mining industry, the vast majority of what we consider abandoned and inactive hardrock mine sites were constructed before current mining methods and modern environmental regulations. This lack of safeguards has resulted in adverse effects to the environment from such things as acid rock drainage and heavy metal contamination. Since many of the sites are historic, some dating back to the 1800's, in most cases the individuals or companies responsible for the problem are no longer present to help with the remediation and reclamation of the site.

The adverse water quality impacts from abandoned or inactive mine sites can be extremely complex and require highly site-specific solutions. Even with best engineering practices, the level of specific improvement at any given site cannot be predicted in advance. Cleanup must proceed on a "best effort" basis, since desired water quality standards may not be attained and complete restoration is impractical.

How big is the problem?

Nevada is located in one of the most highly mineralized regions of the earth's crust. We are the nation's largest producer of gold, silver, and barite. The state's nickname, the Silver State, derives from the fabulous Comstock Lode discovered in 1859 near Virginia City. The riches from this single deposit facilitated the admission of Nevada into statehood in 1864 and helped the Union finance the Civil War.

The Nevada Bureau of Mines and Geology has documented 526 mining districts in the state which have had significant mining and milling activities. Within each district there are numerous individual mine sites. While the whole universe of sites in Nevada is quite large, the sites that pose a potential threat to the environment is believed to be a much smaller subset, probably on the order of one to two hundred sites.

Are we doing anything about the problem?

Progress towards the remediation and reclamation of abandoned and inactive hard rock mine sites has been seriously impeded by two issues -- lack of funding and concerns about liability. Several western states, notably Colorado, Montana, Wyoming, and Utah have been able to initiate abandoned mine land reclamation programs with the help of funds obtained from the Surface Mining and Reclamation Act of 1977, which places a per ton assessment fee on coal production.

Other states with significant past and current hardrock mineral production including Nevada, California, Arizona, Idaho, and Alaska have made only very limited progress. In Nevada, for example, I am aware of only three sites that have received funding for on-the-ground environmental remediation and reclamation activities. Meanwhile, these same states account for the bulk of the approximately \$30 million dollars derived from the \$100 dollar annual maintenance fee on hardrock mining claims. This fee, which has been widely viewed as a potential source of funding for abandoned mine lands cleanup, is currently allocated by Congress to the Department of the Interior for administration of the mining law.

Liability concerns continue to be a disincentive to the cleanup of abandoned mine sites. The Clean Water Act and the Comprehensive Environmental Response, Compensation and Liability Act, as currently written, are major stumbling blocks to progress on this issue. Due to questions of liability, many "Good Samaritan" efforts involving voluntary cleanups or remining by industry have been impeded.

In recognition of the environmental problems associated with abandoned and inactive mine sites, Nevada formed an Abandoned Mine Lands Environmental Task Force in 1999. The task force is comprised of six federal agencies and six state agencies with environmental responsibilities in the state. The agencies have entered into an memorandum of understanding describing the goals and objectives of the task force, and published an initial report which highlights the cleanup of two abandoned mine sites and describes 33 other sites being considered for remediation and reclamation. Three agencies appearing before you today, the United States Army Corps of Engineers, the University of Nevada Reno Mackay School of Mines Mine Life-Cycle Center, and the Division of Minerals, are members of the task force. We believe the task force approach will foster cooperation among the member agencies and will result in the most efficient use of available funds and the maximum amount of actual on-the-ground cleanup.

How will H.R.2753 help solve the problem?

The member agencies of the Nevada Abandoned Mine Lands Environmental Task Force have contributed the time and expertise of their employees to help prioritize known abandoned mine sites with environmental problems. Only the Bureau of Land Management, however, has been able to fund on-the-ground cleanup activities to date. Two sites were remediated and reclaimed in Fiscal Year 1999 with \$200,000 in funding, and \$300,000 for two more sites has been budgeted for Fiscal Year 2000. While this is a solid beginning, it clearly falls short of what is needed to make significant gains against the problem.

The Nevada Abandoned Mine Lands Environmental Task Force is the vehicle we have built in our state to address the environmental impacts from abandoned and inactive hardrock mines. H.R. 2753 will help provide the fuel to power our vehicle. The full authority of the Corps of Engineers Restoration of Abandoned Mines (RAMS) program will be a strong addition to our efforts and bring invaluable engineering expertise necessary to solve the abandoned mine lands problem. Participation in the task force will assure the projects funded by the Corps will improve the quality of the environment, are in the public interest, and most importantly, will be cost-effective.

The State of Nevada welcomes the assistance of the United States Army Corps of Engineers in the remediation of environmental problems caused by abandoned and inactive hardrock mine sites in the state and supports the expeditious passage of H.R.2753, the "Abandoned Mine Restoration Act of 1999."

Madam Chairman, this concludes my prepared remarks. Again, I want to thank the Committee for holding this hearing and drawing attention to this important piece of legislation. I will be happy to try and answer any questions that you might have at the appropriate time.

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